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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,233	12/09/2003	Arnold H. Bramnick	BOC9-2003-0041 (411)	4914
<div>7590 08/21/2007</div> <div>Gregory A. Nelson Akerman Senterfitt Fourth Floor P.O. Box 3188 West Palm Beach, FL 33402-3188</div> <div>EXAMINER LIOU, ERIC</div> <div>ART UNIT 3628 PAPER NUMBER</div> <div>MAIL DATE 08/21/2007 DELIVERY MODE PAPER</div>				

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/731,233

Applicant(s)

BRAMNICK ET AL.

Examiner

Eric Liou

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-23 is/are pending in the application..
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,3-13 and 15-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Status of Claims*

1. Applicant has amended claims 1, 3-5, 8, 12-13, 15-17, and 20 and cancelled claims 2 and 14. Thus, claims 1, 3-13, and 15-23 remain pending and are presented for examination.

### *Response to Arguments*

2. Applicant's arguments filed 6/7/07 have been fully considered but they are not persuasive.
3. Applicant submits none of the references disclose that the passenger data should include customer relationship management (CRM) data. The Examiner notes, Campbell et al., U.S. Publication No. 2003/0144867 has been brought into the rejection to disclose the above-mentioned limitation. See art rejection below.
4. Applicant submits that Figure 4 of Boies does not show arranging the passengers according to a descending revenue impact of the airline. Boies discloses arranging passengers according to a revenue impact (Boies: Figure 4, "430"), but not specifically in descending order. However, one skilled in the art would have the knowledge to arrange a list in descending order. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein. It would have been obvious to one of ordinary skill in the art at the time of the invention was

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made to have arranged the seat classes in descending order for the advantage of representing data in an organized manner, which makes it easier to analyze the results.

5. In response to Applicant's argument that the references fail to show certain features of Applicant's invention, it is noted that the feature upon which applicant relies (i.e., the revenue impact is the full impact on a business such as the long term relationship between the customer and the airline) is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the Examiner notes, the number of first class seats and coach seats that an airline books (as disclosed by Boies) on a particular route does affect the revenue and long term future potential of an airline (i.e. in the next quarter, year, etc.).

### ***Claim Objections***

6. Claim 15 is objected to because of a minor informality. The term "a" should be added before "frequent flyer status" in order to stay consistent with claim 3. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-4, 6-8, 10-11, 13, 15-16, 18-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Campbell et al., U.S. Publication No. 2003/0144867 and further in view of Bertram et al., U.S. Publication No. 2004/0199411.

9. As per claims 1 and 13, Slivka discloses a method and a machine-readable storage (Slivka: paragraph 0018) for re-accommodating passengers who are unable to travel on scheduled flights, comprising the steps of:

obtaining passenger data and flight operations data (Slivka: Figure 1, “120” and “118”; paragraphs 0032-0034);

processing the passenger data and the flight operations data based on a set of rules (Slivka: paragraphs 0024; 0026-0027);

displaying re-accommodation information as a result of the processing (Slivka: paragraph 0028, “monitor 115”);

selecting passengers for re-accommodation based upon said presenting step (Slivka: Figure 2, “235”; Figure 3; paragraph 0045 – The Examiner interprets the step of rebooking a passenger to be the step of selecting passengers for re-accommodation.).

10. Slivka does not disclose customer relationship management data and displaying candidates.

11. Campbell discloses customer relationship management data (Campbell: paragraphs 0046; 0050).

12. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine-readable storage of Slivka to have included

customer relationship management data as disclosed by Campbell for the advantage of analyzing and predicting future travel spending (Campbell: paragraph 0050).

13. Slivka in view of Campbell does not disclose displaying candidates.

14. Bertram discloses displaying candidates (Bertram: Figure 8).

15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine-readable storage of Slivka in view of Campbell to have included displaying candidates as disclosed by Bertram for the advantage of displaying a ranking of the passengers remaining in an airline accommodation process (Bertram: paragraph 0048).

16. As per claims 3 and 15, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 1 and 13 as described above. Slivka further discloses the said passenger data comprises a frequent flyer status of each passenger (Slivka: paragraph 0035, "frequent flier information").

17. As per claims 4 and 16, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 1 and 13 as described above. Slivka further discloses the said passenger data comprises a remaining unflown ticket value of each passenger. (Slivka: paragraph 0035 – The Examiner interprets the average cost of the passenger's travel history to include the remaining unflown ticket value.).

18. As per claims 6 and 18, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 1 and 13 as described above. Slivka further discloses the said passenger data comprises passenger lifetime value data (Slivka:

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paragraphs 0024, "...values associated passengers based on one or more travel rules."; 0037, "a PNR value for a disrupted passenger").

19. As per claims 7 and 19, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 1 and 13 as described above. Slivka further discloses passenger data comprises re-accommodation data (Slivka: paragraphs 0035, "profile status of the passenger"; 0036, "...re-accommodation driver 111 may retrieve from operations database 118 seat availability information associated with each flight included in the flight schedule information.").

20. As per claims 8 and 20, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 1 and 13 as described above. Slivka further discloses the processing step comprises scoring passengers based on the set of rules, and displaying the score of each passenger (Slivka: paragraphs 0026, "...the present invention may also employ rules that rank certain types of passengers."; 0028, "monitor 115").

21. As per claims 10 and 22, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 8 and 20 as described above. Slivka further discloses the said rules comprise arranging said passengers according to passenger frequent flyer status (Slivka: paragraph 0024, "... rules engine 113 may associate a data code reflecting a type of travel status of a passenger, such as a frequent flyer status.").

22. As per claims 11 and 23, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 8 and 20 as described above. Slivka further discloses the said rules require arranging said passengers according to passenger

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lifetime value data (Slivka: paragraph 0024, "...values associated passengers based on one or more travel rules.").

23. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Campbell et al., U.S. Publication No. 2003/0144867 in view of Bertram et al., U.S. Publication No. 2004/0199411 and further in view of Lancaster et al., U.S. Publication No. 2002/0133456.

24. As per claims 5 and 17, Slivka in view of Campbell in view of Bertram discloses the method and machine-readable storage of claims 1 and 13 as described above. Slivka in view of Campbell in view of Bertram does not disclose the rebooking cost of each passenger.

25. Lancaster discloses the rebooking cost of each passenger (Lancaster: paragraph 0191, "...fees associated with cancellation/rebooks.").

26. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine-readable storage of Slivka in view of Campbell and further in view of Bertram to have included the rebooking cost of each passenger as disclosed by Lancaster for the advantage of providing the ability to value the financial worth of a negotiated agreement (Lancaster: paragraph 0070).

27. Claims 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Campbell et al., U.S. Publication No. 2003/0144867 in view of Bertram et al., U.S. Publication No. 2004/0199411 and further in view of Boies et al., U.S. Publication No. 2002/0082878.



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28. As per claims 9 and 21, Slivka in view of Campbell and further in view of Bertram discloses the method and machine-readable storage of claims 8 and 20 as described above.

Slivka in view of Campbell and further in view of Bertram does not disclose arranging passengers according to a descending revenue impact to the airline.

29. Boies discloses arranging passengers according to a revenue impact to the airline (Boies: Figure 4, "430" - The Examiner notes, one skilled in the art would have the knowledge to arrange a list in descending order. The applied reference has been interpreted and applied assuming basic knowledge of one of ordinary skill in the art. According to *in re Jacoby*, 135 USPQ 317 (CCPA 1962), the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied references. In *In re Bode*, 193 USPQ 12 (CCPA 1977), every reference relies to some extent on knowledge of persons skilled in the art to complement that, which is disclosed therein. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have arranged the seat classes in descending order for the advantage of representing data in an organized manner, which makes it easier to analyze the results.).

30. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method and machine-readable storage of Slivka in view of Campbell and further in view of Bertram to have included arranging passengers according to a descending revenue impact to the airline as disclosed by Boies for the advantage of reassigning passengers to different seats within their guaranteed category of seating in order to satisfy a subsequent passenger's request (Boies: paragraph 0008).

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31. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Slivka et al., U.S. Publication No. 2003/0225600 in view of Campbell et al., U.S. Publication No. 2003/0144867 and further in view of Bertram et al., U.S. Publication No. 2004/0199411.

32. As per claim 12, Slivka discloses a system for re-accommodating passengers, comprising:

means for storing passenger data (Slivka: Figure 1, “120”, “110”, and “108”);

means for storing flight operations data (Slivka: Figure 1, “118”);

means for storing a set of rules (Slivka: Figure 1, “113”; paragraph 0022; 0024);

means for processing the passenger data and the flight operations data based on the set of rules (Slivka: Figure 1; paragraphs 0024; 0026-0027); and

means for displaying re-accommodation information as a result of a processing of the processing means (Slivka: paragraph 0028, “monitor 115”) and for selecting passengers for re-accommodation from the re-accommodation information (Slivka: Figure 1, “115” and “106”; paragraph 0045 – The Examiner interprets the step of rebooking a passenger to be the step of selecting passengers for re-accommodation).

33. Slivka does not disclose customer relationship management data and displaying candidates.

34. Campbell discloses customer relationship management data (Campbell: paragraphs 0046; 0050).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified system of Slivka to have included customer relationship

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management data as disclosed by Campbell for the advantage of analyzing and predicting future travel spending (Campbell: paragraph 0050).

36. Slivka in view of Campbell does not disclose displaying candidates.

37. Bertram discloses displaying candidates (Bertram: Figure 8).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Slivka in view of Campbell to have included displaying candidates as disclosed by Bertram for the advantage of displaying a ranking of the passengers remaining in an airline accommodation process (Bertram: paragraph 0048).

### *Conclusion*

39. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

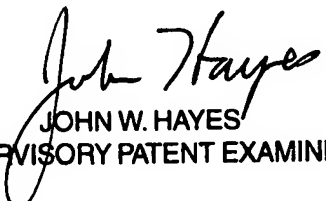
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The Examiner has cited particular portions of the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the Applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Liou whose telephone number is 571-270-1359. The examiner can normally be reached on Monday - Friday, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER